

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TERMAINE BENNETT,)	
)	Civil Action
Plaintiff)	No. 07-CV-2794
)	
vs.)	
)	
CITY OF PHILADELPHIA;)	
PHILADELPHIA PRISON SYSTEM;)	
LEON A. KING II, ESQUIRE,)	
Individually and as)	
Commissioner of the)	
Philadelphia Prison System;)	
JOYCE ADAMS, Individually)	
and as Warden of)	
House of Corrections;)	
JOHN F. STREET, ESQUIRE,)	
Individually and as)	
Mayor of Philadelphia; and)	
JOHN DOE, Private Contractor)	
Hired by the City of)	
Philadelphia for Celling)	
Stabilization,)	
)	
Defendants)	

O R D E R

NOW, this 9th day of September, 2008, upon consideration of Defendants City of Philadelphia, Mayor Street, Commissioner King and Warden Adams Motion to Dismiss Plaintiff's Complaint, which motion to dismiss was filed January 16, 2008; upon consideration of Defendants City of Philadelphia, Mayor Street, Commissioner King and Warden Adams Memorandum of Law in Support of their Motion to Dismiss Plaintiff's Complaint, which memorandum of law was filed January 6, 2008¹; and for the reasons articulated in the accompanying Opinion,

¹ Plaintiff did not file a response brief.

IT IS ORDERED that Defendants City of Philadelphia, Mayor Street, Commissioner King and Warden Adams Motion to Dismiss Plaintiff's Complaint is granted.

IT IS FURTHER ORDERED that all federal claims asserted in plaintiff's Complaint against defendants City of Philadelphia, Philadelphia Prison System, Leon A. King, II, Joyce Adams and John F. Street are dismissed.

IT IS FURTHER ORDERED that all state tort claims asserted in plaintiff's Complaint against defendants City of Philadelphia, Philadelphia Prison System, Leon A. King, II, Joyce Adams and John F. Street are dismissed without prejudice to re-assert such claims in a proper state forum.

IT IS FURTHER ORDERED that defendants City of Philadelphia, Philadelphia Prison System, Leon A. King, II, Joyce Adams and John F. Street are each dismissed as parties to this action.

IT IS FURTHER ORDERED that the Clerk of Court shall mark the docket accordingly.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge